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Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of ) MM Docket No. 96-120  
 )  
Amendment of Section 73.202(b) ) RM-8965  
Table of Allotments, )  
FM Broadcast Stations. )  
(Mankato, Vernon Center, Minnesota)

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**FEB 18 1997**

To: Mass Media Bureau (Policy & Rules)

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

COMMENTS AND COUNTERPROPOSAL

Vernon Center Broadcasters, ("VCB") by its attorney, and pursuant to Section 1.415 and 1.420(d) of the Commission's rules, hereby submits its Comments and Counterproposal in response to the Notice of Proposed Rule Making released by the Commission in the above-captioned proceeding on December 27, 1996 (DA 96-2127) (hereafter NPRM). The NPRM proposes to amend the FM Table of Allotments by adding Channel 231A to Mankato, Minnesota, as that community's third FM broadcast service.

In lieu of the proposal set forth in the NPRM, VCB counterproposes that the Commission allot Channel 231A as a first local service at Vernon Center, Minnesota.

Vernon Center is an incorporated city, governed by an elected mayor and city council. It is located on U.S. Highway 169 in Blue Earth County. Its population, according to the 1990 U.S. Census, is 339. Vernon Center has its own Post Office and zip code: 56090. It is an independent community with a school, a bank, three churches and the usual complement of other businesses and organizations generally found in communities of its size. Vernon Center is not located in any urbanized area, nor is it on the fringe of an urbanized area. This counterproposal will

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provide the first local service to Vernon Center rather than a sixth local transmission service to Mankato.<sup>1</sup>

The proposed reference coordinates for the Vernon Center allotment are North Latitude 44° 01' 15"; West Longitude 94° 15' 00". As shown by the attached spacing study, Channel 231A may be allotted to Vernon Center at these reference coordinates consistent with all spacing requirements and good engineering practice.<sup>2</sup> A 3.16 mV/m signal will be placed over the entire community of Vernon Center from the reference coordinates, using maximum Class A facilities.

Pursuant to Section 307(b) of the Communications Act of 1934, as amended, the Commission must compare the Mankato and Vernon Center allotments using the criteria set forth in Revision of FM Assignment Policies and Procedures: (1) first full-time aural service; (2) second full-time aural service; (3) first local transmission service; and (4) other public interest matters [co-equal weight given to priorities (2) and (3)]. A first local transmission service to Vernon Center is a higher allotment priority (category 3) than a sixth local service at Mankato (category 4). Therefore, the Vernon Center allotment will provide a more efficient distribution of broadcast service, and is preferred.

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<sup>1</sup> KEEZ(FM), KYSM-FM, KMSU(FM-ed), KTOE(AM), and KYSM(AM) are all licensed to Mankato.

<sup>2</sup> The reference coordinates represent a site restriction 9.2 km northwest of Vernon Center to protect the licensed facilities of station KIAI(FM) Mason City, Iowa.

VCB will promptly apply for a construction permit for the new station upon favorable Commission action on this petition, and will promptly construct the new facilities upon grant of the application.

In view of the above, the Commission should amend Section 73.202(b) of the rules as requested.

Respectfully Submitted,

VERNON CENTER BROADCASTERS

February 18, 1997

Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033

By 

John S. Neely  
Its Attorney



# OWL ENGINEERING, INC.

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CONSULTING COMMUNICATIONS ENGINEERS  
EMC TEST LABORATORIES

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**ENGINEERING STATEMENT ON BEHALF OF  
VERNON CENTER BROADCASTERS  
IN SUPPORT OF COMMENTS AND A COUNTERPROPOSAL  
VERNON CENTER, MINNESOTA**

**February 12, 1997**

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Owl Engineering, Inc. has been retained by Vernon Center Broadcasters (hereafter VCB) to prepare this engineering statement in support of comments and a counterproposal in reference to RM-8965, MM Docket No. 96-260. An alternative option is advanced with these comments.

Below is a summary of the proposed amendments to the FM Table of allotments, FCC Rule Section 73.202(b) in this proceeding:

Location	Present	RM-8965	Counterproposal
Mankato, MN	256C1, 278C1	256C1, 278C1, 231A	256C1, 278C1
Vernon Center, MN			231A

The reference coordinates for Vernon Center, MN (231A) used in this study are:

44° 01' 15" North Latitude  
94° 15' 00" West Longitude

Based in 1990 US Census data, the community of Vernon Center has a population of 339 persons.

The reference coordinates listed above represent a site restriction 9.2 kilometers northwest of Vernon Center. The site restriction is required to prevent a short spaced condition with KIAI located at Mason City, Iowa.



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Included as Engineering Exhibit E-1 is an allocation study for channel 231A at Vernon Center based on the reference coordinates listed above. As can be seen from this exhibit, the reference coordinates are in complete conformance with FCC Rule Section 73.207.

VCB's proposal was examined to determine if a Class A facility located at the reference coordinates listed above would comply with FCC Rule Section 73.315 regarding minimum signal coverage requirements. The 70 dBu contour is depicted in Engineering Exhibit E-2. As can be seen from Engineering Exhibit E-2, the community of Vernon Center is completely served by a signal of 70 dBu or greater. (The F(50,50) metric curves of Figure 1 of Section 73.333 of the Commissions Rules were used to calculate the distance to the 70 dBu contour along the eight standard 45-degree spaced radials and the radial through the city of Vernon Center.) The radial drawn through the principal community is depicted on the profile plot included as Engineering Exhibit E-3. This permitted a determination to be made that there are no major obstructions in the intervening path from the transmitter site to the principal community. There will be a wide area to select a potential tower location. The available area is best described as rural making selection of a tower location relatively easy.



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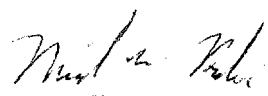
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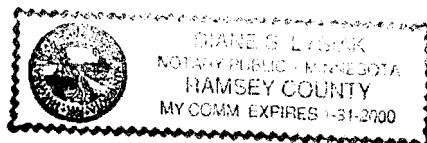
RAMSEY COUNTY                    )  
  )  
STATE OF MINNESOTA        )       ss:

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Blaine, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



  
Michael W. Radovich, P.E.

Subscribed and sworn to before me this date February 12, 1997



  
Diane S. Lysiak  
Notary Public

My commission expires January 31, 2000



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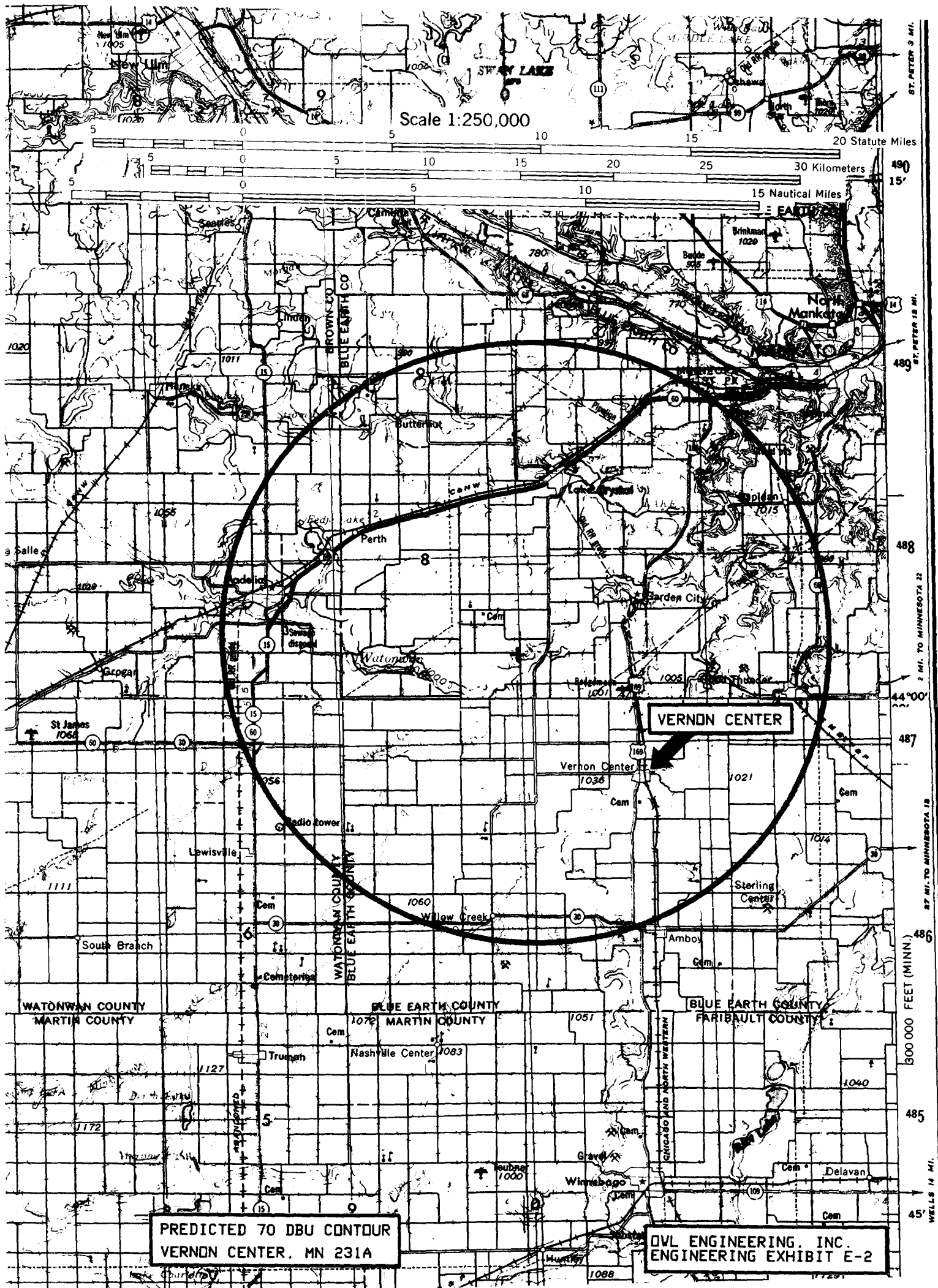
**ENGINEERING EXHIBIT E-1**

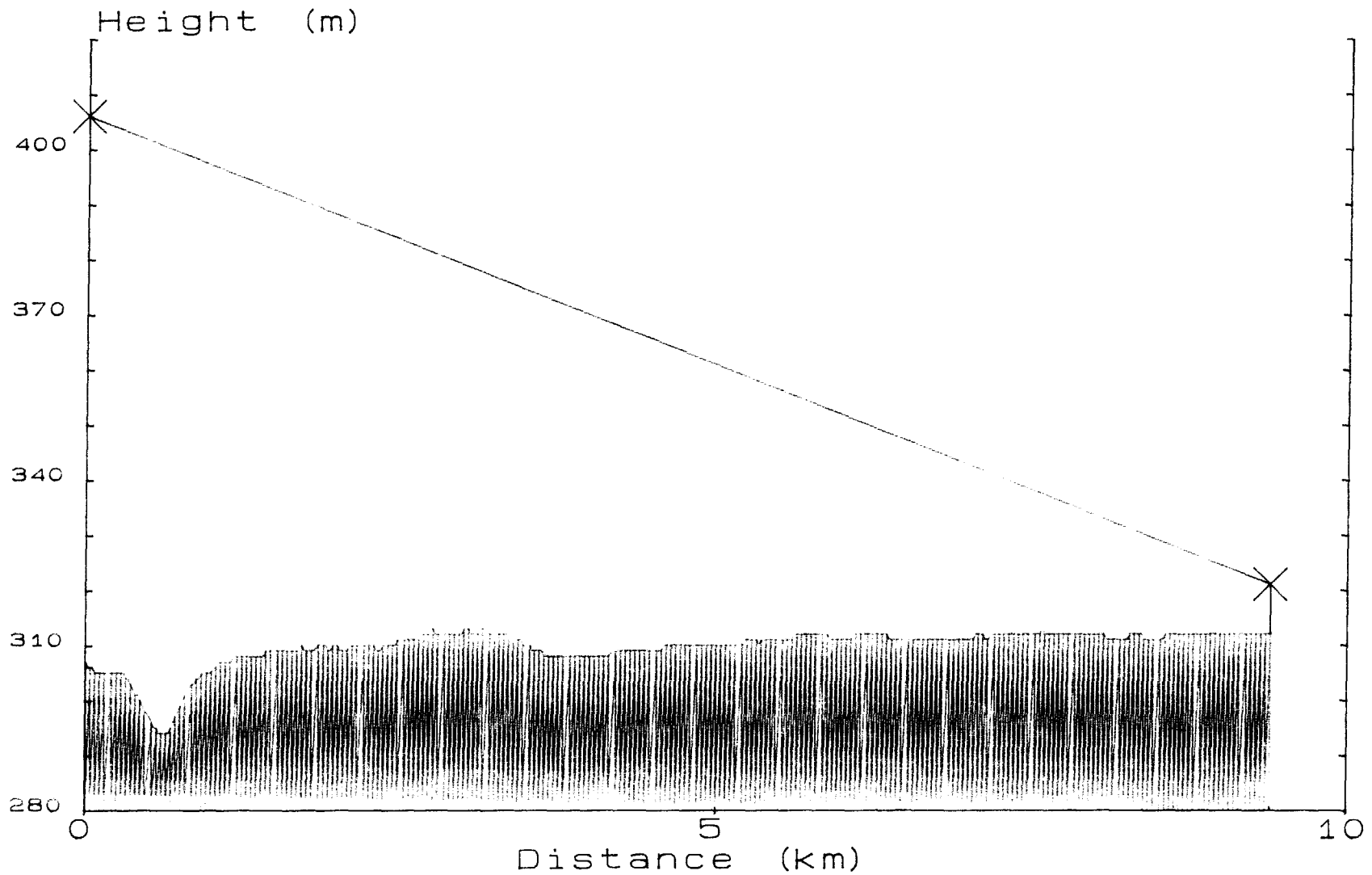
Job Title-> Vernon center  
Site Description -> Reference coordinates  
FM Channel 231-A ( 94.1 MHz)

LATITUDE: 44 1' 15" LONGITUDE: 94 15' 0"

CHNL	Call Status	Owner	City	Class	Calculated Km.	Required Km.	Clear- ance	Bearing degrees
285		NO CONFLICT						
284		NO CONFLICT						
228		NO CONFLICT						
230	KIAI	FMIA	Mason City	C1	132.61	133	-0.39	135.32
	LIC	James Ingstad Broadc		43 10' 4"	93 6' 5"		BLH911024KD	
231	KYRS	FMMN	Atwater	A	123.66	115	8.66	341.28
	LIC	KYRS FM, Inc.		45 4' 24"	94 45' 20"		BLH881208KC	
231	WIAL	FMWI	Eau Claire	C1	240.67	200	40.67	67.02
	LIC	Central Communicatio		44 49' 48"	91 26' 48"		BLH810519AE	
231	ADD	FRMN	Mankato	A	25.58	115	-89.42	49.43
	ADD	Mid-Minnesota Broadc		44 10' 12"	94 0' 24"		RM8965	
232	KDOMFM	FMMN	Windom	A	76.34	72	4.34	258.88
	LIC	Windom Radio, Inc.		43 53' 6"	95 10' 56"		BLH920130KB	
233		NO CONFLICT						
234	KNSG	FMMN	Springfield	C2	94.01	55	39.01	294.45
	LIC	James Ingstad Broadc		44 21' 54"	95 19' 27"		BLH950711KD	







Profile Study for Vernon Center, MN

Owl Engineering, Inc.  
8899 Hastings St. NE

Minneapolis Minnesota  
(612) 785-4115

Engineering Exhibit E-3

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of February, 1997, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Abdolmjid Khalilzadeh  
Philip A. Rubin & Associates, Inc.  
1350 Connecticut Avenue, N.W.  
Suite 610  
Washington, DC 20036

Angie E. Lancaster